



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JESUS VEGA,

Plaintiff,

-v.-

CAPTAIN AMADO, #492,
Department of Correction,

Defendants.
-----X

REPORT AND
RECOMMENDATION
TO THE HONORABLE
LAURA TAYLOR SWAIN

08 Civ. 1501 (LTS)(FM)

FRANK MAAS, United States Magistrate Judge.

The plaintiff in this civil rights action alleges that he was assaulted and beaten while incarcerated at the George Motchan Detention Center at Rikers Island. The complaint was filed on February 13, 2008. (See Docket No. 2). Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service on the defendants therefore was required to be effected by June 13, 2008. A review of the CM ECF system shows that to date, there has been no action taken by the plaintiff since the filing of the complaint.

The Pro Se office has advised my Chambers that the plaintiff was sent the summons and complaint package necessary to effect service via Fed Ex on March 4, 2008. Per Fed Ex tracking number 862646646831, the package was received by plaintiff on March 5, 2008. My Chambers has also been advised by the Marshal's Service, that the plaintiff never sent it the materials required to effect service. To date, the Court has received no communication from the plaintiff at all.

Accordingly, I recommend that this case be dismissed without prejudice.

Notice of Procedure for Filing of Objections to this Report and Recommendation

The plaintiff shall have ten days from the service of this Report and Recommendation to file written objections. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), (d), 72(b). Any such objections shall be filed with the Clerk of the Court, with extra copies mailed to the chambers of the Honorable Laura Taylor Swain, and the chambers of the undersigned, at the United States Courthouse, 500 Pearl Street, New York, New York 10007. Any requests for an extension of time for filing objections must be directed to Judge Castel. The failure to file timely objections will result in a waiver of those objections for purposes of appeal. See Fed. R. Civ. P. 6(a), 6(d), 72(b); Thomas v. Arn, 474 U.S. 140 (1985).

DATED: September 5, 2008
New York, New York



FRANK MAAS
United States Magistrate Judge

Copies to:

Honorable Laura Taylor Swain
United States District Judge

Jesus Vega
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